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IN REPLY REFER TO:

CC 92-77

September 16, 1994

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

The Honorable Wally Herger  
U.S. House of Representatives  
2433 Rayburn House Office Building  
Washington, D.C. 20515

Dear Congressman Herger:

Thank you for your letter on behalf of Mike Grey, Sheriff-Coroner, Butte County Sheriff's Department, and Daniel T. Young, Assistant Sheriff, Butte County Sheriff's Office, regarding the Commission's Billed Party Preference (BPP) proceeding. On May 19, 1994, the Commission adopted a Further Notice of Proposed Rulemaking in this proceeding. I have enclosed a copy of the Further Notice and press release accompanying it for your information.

The Further Notice sets forth a detailed cost/benefit analysis of BPP. This analysis indicates, based on the available data, that the benefits of BPP to consumers would exceed its costs. The Further Notice seeks comment on this analysis and asks interested parties to supplement the record concerning the costs and benefits of BPP. The Further Notice also invites parties to recommend alternatives to BPP that could produce many of the same benefits at a lower cost.

The Further Notice also explicitly seeks comment on whether correctional facility telephones should be exempt if BPP is adopted. Specifically, the Further Notice seeks additional information on the effectiveness and costs of controlling fraud originating on inmate lines with or without BPP. The Further Notice also seeks comment on a proposal to exempt prison telephones from BPP if the operator service provider adheres to rate ceilings for inmate calling services.

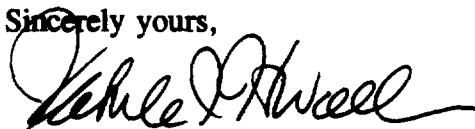
BPP would not preclude prison officials from blocking or limiting inmate calls to specific telephone numbers in order to prevent threatening and harassing calls. Moreover, BPP would not affect the ability of prison officials to limit inmates to collect calling or to program telephone equipment at the prison site to block certain numbers.

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The Honorable Wally Herger  
Page 2

Thank you for your interest in this proceeding. I can assure you that the Commission will carefully examine all of the comments submitted in response to the Further Notice, including additional empirical data regarding the costs and benefits of implementing BPP and the impact of BPP on telephone service from correctional facilities.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Kathleen M.H. Wallman', written in a cursive style.

Kathleen M.H. Wallman  
Chief  
Common Carrier Bureau

Enclosures

**WALLY HERGER**

25<sup>th</sup> DISTRICT, CALIFORNIA

PLEASE REPLY TO:

☐ WASHINGTON OFFICE:  
2433 RAYBURN HOUSE OFFICE BUILDING  
(202) 225-3076

DISTRICT OFFICES:

☐ 55 INDEPENDENCE CIRCLE, SUITE 104  
CHICO, CA 95926  
(916) 893-8363

☐ 410 HEMET DRIVE, SUITE 115  
REDDING, CA 96002  
(916) 223-5898



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COMMITTEE ON  
WAYS AND MEANS

COMMITTEE ON  
THE BUDGET

**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-0502**  
August 9, 1994

The Honorable Reed Hundt  
Chairman  
Federal Communication Commission  
1919 M Street, N.W., Room 802  
Washington, D.C. 20554

Dear Chairman Hundt:

I have received the enclosed correspondence from a local county sheriff in my district expressing his strong opposition to proposed FCC regulations to implement the Billed Party Preference phone system at inmate correctional facilities. I would like to express my concern over this policy proposal and solicit your response on why this system has been selected.

It makes no sense to me why we would give our convicted criminals access to multi-party phone lines. By giving these heinous individuals open access to the information superhighway, we will be creating a difficult if not impossible situation for our law enforcement officials. My fear is that criminals can use this new technology to better plan and coordinate their escapes.

I hope you will give strong consideration to overturning this original decision. Thank you for your consideration of this matter. I look forward to hearing from you at your earliest convenience.

Sincerely,

WALLY HERGER  
Member of Congress

WH/bb

PRISON. PHONE  
PHONE. REED



BUTTE COUNTY  
**SHERIFF'S**  
DEPARTMENT



44857

MICK GREY  
Sheriff/Coroner

July 25, 1994

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***The Honorable Wally Herger  
U. S. House of Representatives  
Rayburn Office Building  
Washington, DC 20515***

***Re: CC Docket No. 92-77 Opposition to Billed Party Preference***

***Dear Wally,***

***Enclosed is a copy of a letter we sent to Reed E. Hundt, Chairman, Federal Communications Commission opposing the application of Billed Party Preference (BPP) at our inmate correctional facility.***

***I am asking you to write to the FCC and urge them not to adopt regulations that would interfere with administrative and security decisions that are clearly with the discretion of a Sheriff and which we have a public responsibility to make.***

***Hope to see you next time you are in our area.***

***Best regards,***

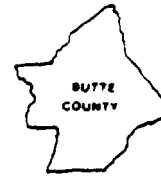
  
**Mick Grey  
Sheriff-Coroner**

**MG:hw**

**AUG 03 1994**



# BUTTE COUNTY SHERIFF'S DEPARTMENT



MICK GREY  
*Sheriff/Coroner*  
July 25, 1994

***The Honorable Reed E. Hundt, Chairman  
Federal Communications Commission  
1919 M Street, NW  
Washington, D.C. 20554***

***Re: CC Docket No. 92-77 Opposition to Billed Party Preference***

***Dear Chairman Hundt:***

***We are opposed to the application of Billed Party Preference (BPP) at our inmate correctional facilities.***

***We have analyzed the security and administration needs at our facilities and have found it to be necessary to route inmate phone calls from our facility to a single carrier, Corrections TeleCom Group, Inc., that is equipped to handle inmate calls and with whom we have a contractual relationship. We are sensitive to the rates inmate families pay for calls and fully appreciate the FCC's concern if some jail administrators do not take responsibility for protecting inmate families from abusive rates. Our prior and current contract specifies that our contractual carrier shall "...maintain at all times, collect call or person-to-person rates which clone the tariffed Bell and AT&T rates for said calls, and to conform to all standard telecom practices and guidelines set by the FCC, California Public Utility Commission and any other applicable state or federal laws."***

***For security reasons and the prevention of crime we cannot allow inmates to have open access to the telecommunications network and the freedom to use any carrier they please. BPOP will take away our right to coordinate inmate calls through a carrier we know and trust. Instead, inmate calls will be routed to a number of different carriers, none of whom will have any obligation to us, and few that will be trained to handle inmate calls.***

***BPP will eliminate our ability through contractual agreement to control costs through contractual agreements for the supply, maintenance and repair of inmate phone equipment. Additionally, BPP will eliminate the ability to provided free (no cost to inmates or their families) phone calls between inmates and their respective attorneys, parole and probation officers, children protective services and the County Clerk's Office.***

**Page 2**

**The Honorable Reed E. Hundt, Chairman**

**July 25, 1994**

**Furthermore, BPP would eliminate the revenue source that finances our inmate phone and severely impact the financing of inmate programs such as health education, high school diploma and GED education programs. We, as well as many other jurisdictions, are under a local consent decree, federal court order and state regulations to provide these types of programs to inmates. Given the constant budgetary constraints we are under, we cannot afford to provide these programs or this phone equipment without the help of the inmate phone service providers.**

**We urge you to not to adopt regulations that interfere with our administrative and security decisions - decisions that are clearly within our discretion and which we have a public responsibility to make.**

**Very truly yours,**

**Mick Grey**  
**Sheriff-Coroner**

by:

  
**Daniel T. Young, Assistant Sheriff**  
**Corrections**

**DTY:hw**

**cc: The Honorable James H. Quello**  
**The Honorable Rachelle B. Chong**  
**The Honorable Andrew C. Barrett**  
**The Honorable Susan Ness**